

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
APRIL 16, 2007

The Yadkin County Board of Commissioners met in Regular Session on Monday, April 16, 2007 at 7:00 p.m., in the Yadkin County Human Services Building (Commissioner's Meeting Room), 217 East Willow Street, Yadkinville, NC.

Present were:

Chair Kim Clark Phillips
Vice Chairman Tommy Garner
Brady Wooten
Chad Wagoner

Special note: Vice Chairman Garner arrived at 7:30 p.m. Commissioner Cornelius was absent due to illness.

Staff present: Interim County Manager and Interim Clerk to the Board Eric Williams, County Attorney James Graham, Assistant to the Manager Scarlett Huffman.

CALL TO ORDER by Chair Phillips at 7:03 p.m.

INVOCATION by James Graham

PLEDGE OF ALLEGIANCE by Chair Phillips

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

Mr. Williams suggested the items marked as on a Consent Agenda may require some individual discussion. He also expressed his wish to adjust Manager Comments to allow representatives of the First Southwest Company to address the Board.

Mr. Williams recognized Ms. Gina Brown who was recently hired for the position of Clerk to the Board.

Chair Phillips welcomed Mr. Williams as having been hired as the permanent County Manager after a seven month tenure as Interim County Manager.

PUBLIC COMMENTS

Mr. Lee Lane, Pastor of Deep Creek Friends Meeting read to the Board a letter from the church congregation which spoke in favor of mentioning the name of Jesus Christ in the invocation. Mr. Lane stated that while he personally does not wish to argue the issue, he believes the Board should take a stand. He said he believes he speaks for the majority of the County.

Mr. John Hedrick of the Northwest Regional Library reported that East Bend needs a new library facility.

Ms. Mary Sue Johnson, a retired educator and new Assistant Principal at Boonville Elementary School noted that the building is 70-75 years old, has space, maintenance and parking issues. She said the Library's Building Fund Committee is now attempting to raise \$150,000 in hopes of building a 6,000 square foot facility. She asked for the County's Financial Assistance.

Mr. Allen Sneed addressed the Board regarding the \$450,000 in budget cuts which the Board recently voted not to remove from the County's '06-'07 budget. He presented the '06-'07 budget book in which he noted several math errors. He stated that the proposed cuts may have been recovered by correctly balancing the budget equations.

APPROVAL OF MINUTES

Motion by Commissioner Wooten, seconded by Commissioner Wagoner, to approve the April 2nd Regular Session minutes with the following changes:

- Chair Phillips asked that the language in the third bulleted item under "Approval of Minutes" state that she had asked for the Resolution to Adopt a Room Occupancy Tax be replaced with the Resolution for a Local Deed Transfer Tax.

Vote: 3-0

PUBLIC HEARING

Planning & Development Director Kim Bates presented to the Board a rezoning request on a property owned by Johnson Modern Electric, LLC located in the Enon community from Mr. Steve Johnson. He said Mr. Johnson wishes to change the zoning of the property from Rural Agricultural (RA) to general use Highway Business (HB). Bates gave a brief overview of the parcel's surrounding area, and stated that the Planning Board recommended the approval of the request.

Chair Phillips opened the hearing to public comment.

Mr. Steve Johnson, owner of JM Electric, LLC, presented a package to the Board containing information pertaining to the property and its surroundings. Johnson cited that there are four existing businesses on the opposite side of Highway Old 421. He also said he enjoys the community and does not wish to harm it. He further stated that his deed restrictions would prevent the use of the property for anything other than an office. He said the building would be approximately 5,000 square feet with 24 parking spaces and 20 employees.

Mr. Richard Brown, an attorney representing the Riverpointe Home Owners' Association, cited page 14 of the County's Zoning Ordinance guidelines. He said the property was not posted one week prior to the hearing and that a zoning change at the April 16th meeting would be illegal. He further stated that the deed restrictions would protect JM Electric as Mr. Johnson only would be in a position to reject the use of the property upon its sale. He called the petition contract zoning, and that the rezoning would not be appropriate to the area. He noted concerns in changes to the character of the neighborhood, lighting pollution, traffic hazards and water supply. He also said the hearing should not discuss the intended use of the property, only whether or not the rezoning would be appropriate to the surrounding area. He asked that the Board refer the petition back to the Planning Board requesting that they investigate the water supply issue.

Mr. Bates concurred that the property had not been posted.

Chair Phillips recommended the hearing be postponed until the May 21st Regular Meeting, and declared the Public Hearing closed.

PUBLIC HEARING

Mr. Bates presented to the Board a text amendment to the County's Zoning Ordinance to add Mixed Use Projects as Conditional Use zones to the definition of Conservation Subdivisions as adopted last month. Bates said the Planning Board voted unanimously to recommend the approval of the text amendment.

Chair Phillips opened the hearing to public comment to which there was no response.

Chair Phillips read the Statement of Consistency.

April 16, 2007

YADKIN COUNTY, NC Board of Commissioners

Statement of Zoning Consistency pursuant to N.C.G.S. 153A-341

Re: Proposed Zoning Text Amendment: Article 17. Section 8. Mixed Uses (along with addition of same to Article 11, Table of Uses, and definition of same, Article 21).

As we the Board of Commissioners of Yadkin County have found the proposed amendment to offer increased and enhanced opportunities for flexibility, and to create increased or improved options in living and working environments:

We find the proposed text amendment to be consistent with the general goal to "promote flexibility in development regulations", listed in Section 5.4 on Page 51 of the Yadkin County Land Use Plan; and consistent specifically with the recommendation listed in Section 5.7.5.11 on Page 74 of the Plan: "Mixed-use commercial development shall be encouraged where appropriate and where compatible with surrounding residential uses."

We therefore consider the proposed text amendment to be reasonable and in the public interest.

S/Kim Clark Phillips

Motion by Commissioner Wagoner to approve the addition of Mixed Use Projects to the definition of Conservation Subdivisions was seconded by Commissioner Garner.

Vote: 4-0

April 16, 2007

Proposed Amendments to the Yadkin County Zoning Ordinances, submitted to the Planning Board for Review and Recommendation; The Intent of these Proposals being:

To Provide the Option of Planned Mixed-Use Developments as a Conditional Use.

To add Definitions of CONSERVATION SUBDIVISION and MIXED USE PROJECT

The Yadkin County Zoning Ordinance is hereby amended by addition of the following to Section 8 of Article 17. Conditional Uses, and by addition of the appropriate entry of Mixed-Use Projects to Article 11. Table of Uses, as a Conditional Use in the RI, CB and HB districts:

Mixed-Use Projects

Zoning Districts: RI, CB HB

In some districts the public is best served by allowing, case-by-case, well-planned integrations of residential and commercial uses, each developed as a single operation or as a programmed series of development operations, to create greater or improved options in living and working environments. These types of projects may be developed as a group development projects as provided in Article 8, provided that the Board of Adjustment shall review each mixed-use project in its entirety or in phases if each phase is in itself an appropriate development in the district of location.

Site Standards:

- a. Not more than half the proposed usable floor area shall be devoted to residential use.
- b. Off-street parking for residential units shall be as required by Article 18.
- c. Buffering and/or screening shall be installed as provided in Article 19.
- d. The Board of Adjustment shall impose additional specific conditions at its discretion including, but not limited to, provisions for utilities, drainage, landscaping, lighting, streets and visual compatibility.

The Yadkin County Zoning Ordinance is hereby amended by addition of the following entries to Article 21. Definitions:

CONSERVATION SUBDIVISION: A subdivision characterized by dedicated common open space and clustered compact lots, as provided in Article 13, Section 6 of this Ordinance.

MIXED-USE PROJECT: A planned development of property involving integrated residential and business uses.

REQUEST TO SET PUBLIC HEARINGS

Mr. Bates requested a motion to set Public Hearings for the May 21st, 2007 Regular Meeting for the purpose of discussion regarding the rezoning requests of Marlon Douglas Weatherman from RA to MI-2 and Richard Wayne Newsome from RA to MHP.

Motion by Commissioner Wooten to set the Public Hearing for said rezoning requests for the May 21st, 2007 Regular Meeting was seconded by Commissioner Wagoner.

Vote: 4-0

BOARD APPOINTMENTS

Chair Phillips noted that she had requested that each of the Commissioners should present their recommendations for filling the seats of several upcoming vacancies on the Board of Adjustments and the Planning Board. She suggested the discussion be reserved for the May 7th Regular Meeting in light of Commissioner Cornelius's absence.

BOARD ACTION ITEMS

Department of Social Services Director Mr. Eddie Wooten requested approval of a budget amendment to add to the DSS budget \$184,491 which the department received in grants.

Motion by Commissioner Wooten to approve the DSS budget amendment was seconded by Commissioner Wagoner.

Vote: 4-0

YADKIN COUNTY DEPARTMENT OF SOCIAL SERVICES

BUDGET AMENDMENTS

April 2007

REVENUE

Line Item	Account	Budgeted	Increase/ Decrease	Amended
Smart Start	1045320 42288	100,000	63,066	163,066
Daycare	1045320 42235	981,052	121,425	1,102,477
TOTAL		1,081,052	184,491	1,265,543

EXPENDITURES

Line Item	Account	Budgeted	Increase/ Decrease	Amended
Smart Start	1055320 57800	40,000	63,066	103,066
Daycare	1055320 57801	981,052	121,425	1,102,477
TOTAL		1,021,052	184,491	1,205,543

To amend for new money received.

County Manager Mr. Eric Williams requested a budget amendment to the Emergency 911 Department to amend for wireless monies to be transferred to the Capital Projects Fund to be used for the digital orthophoto project.

Motion by Commissioner Wooten to approve the E911 budget amendment was seconded by Commissioner Wagoner.

Vote: 4-0

February 5, 2007

E-911 Fund

Dept: E-911

Description	Account	Original	Increase/(Decrease)	Amended Budget
Transfer to Capital Projects-orthophoto Wireless funds	2754312-57030	46,260.00	11,274.11	57,534.11
Appropriated Fund	2744312-	77,460.00	11,274.11	88,734.11
Balance	49000			

To amend for wireless monies to be transferred to the Capital Projects Fund to be used for the digital orthophoto project. This is an adjustment to the original budget amendment due to changes in expenses.

Mr. Williams presented for approval two tax refunds for Gladys Foster and Brian Lineberry, totaling \$401.60.

Motion by Commissioner Wooten to approve the said tax refunds was seconded by Vice Chair Garner.

Vote: 4-0

WHEREAS, the fire district boundaries in the unincorporated portion of Yadkin County need to be revised to change the way they have historically been described by a point to point description by reference to maps created on the GIS system, and to reflect annexations by municipalities in the County; and

WHEREAS, the Yadkin County Fire Marshal has created new fire insurance district maps using the GIS system for various fire districts which are incorporated by reference into Exhibit A to this Resolution,

NOW, THEREFORE, BE IT RESOLVED that the Yadkin County Board of Commissioners approves the boundary lines of the Fire Insurance Districts shown on Exhibit A, exclusive of current or future municipal town limits, and as represented in the scaled GIS produced map certified by the County Fire Marshal referenced in Exhibit A.

Motion made by Commissioner Brady Wooten, and seconded by Vice Chairman Tommy Garner, and approved on this being the 16th day of April, 2007.

s/Kim Clark Phillips

s/Eric Williams

Mr. Williams presented to the Board a Resolution to PART to participate in a Seamless Mobility Study. He stated that there would be no financial obligation on the part of the County.

Commissioner Wooten expressed his support in that the study would play a role in the assessment of the County's future transportation needs.

Motion by Commissioner Wooten to approve the Resolution to PART to Participate in a Seamless Mobility Study was seconded by Commissioner Wagoner.

Vote: 4-0

**A RESOLUTION
OF THE
YADKIN COUNTY BOARD OF COMMISSIONERS
APPROVING A SEAMLESS MOBILITY STUDY OF THE URBAN TRANSIT
SYSTEMS, COMPLIMENTARY ADA, PART EXPRESS AND THE HUMAN
SERVICE TRANSPORTATION SYSTEMS IN THE TRIAD REGION**

WHEREAS, public transportation services are provided to the general public by the Cities of Greensboro, High Point and Winston-Salem and the Piedmont Authority for Regional Transportation; and

WHEREAS, humans services transportation systems are provided by the Cities of Greensboro, High Point and Winston-Salem; the Piedmont Authority for Regional Transportation and all ten counties in the PART territorial jurisdiction; and

WHEREAS, the system providers operate on independently planned routes, schedules, fares and policies with limited federal, state and local funding resources; and

WHEREAS, the PART Board of Trustees and the North Carolina Department of Transportation do propose to jointly and cooperatively undertake a Seamless Mobility Study of the urban fixed route, complimentary ADA, and human services transportation systems in the Triad Region to assess the effectiveness of services and to assess the efficient utilization of limited funds to maximize the services for the residents, visitors and guests of these counties; and

WHEREAS, the North Carolina Department of Transportation—Public Transportation Division has agreed to provide technical, administrative and financial support,

NOW, THEREFORE, BE IT RESOLVED that the Yadkin County Board of Commissioners does hereby approve of a Seamless Mobility Study of all routes, schedules, administrative and operating policies within its service territory; and

BE IT FURTHER RESOLVED that a Steering Committee and a Technical Advisory Committee with appropriate representation be created to oversee and guide the study and the members and information in a timely manner for a successful completion of the study.

Motion made by Commissioner Brady Wooten, and seconded by Commissioner Chad Wagoner, and approved on this being the 16th day of April, 2007.

s/Kim Clark Phillips

s/Eric Williams

REPORTS TO THE BOARD

Veterans' Affairs Officer Chuck Knight introduced Master Sergeant Bob McGhee, a United States Air Force retiree, of the Stokes County Health Services Alliance Committee. McGhee stated that veterans' health care had not been considered a priority in the US for a long time. He said that there are over 3,000 veterans in Yadkin County alone, but no health care clinic to serve their needs. He further stated that the Committee had chosen a vacant medical office facility in King which they feel would be adequate. He said the Committee is attempting to gain support from surrounding counties and that the funding is already available for the project. He requested the Board approve the Resolution of Support in order to obtain the necessary clearance to proceed.

Motion by Commissioner Wooten to approve the Resolution of Support was seconded by Vice Chair Garner.

Chair Phillips and Commissioner Wooten extended their thanks to the sacrifices of veterans and to the Committee for working to provide a valuable service to veterans.

Vote: 4-0

A RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS IN SUPPORT OF THE VETERANS' HEALTH CARE MUTLI-COUNTY COMMUNITY BASED OUTPATIENT CLINIC

WHEREAS, it has been brought to the attention of the Board of Commissioners that new veterans' clinics are being opened in rural areas around the United States; and

WHEREAS, there are many veterans in Yadkin County and surrounding Counties that must drive an hour or more to the nearest VA medical facility, and many veterans do not seek medical care due to the extensive distance and travel time, and in fact, information we have available indicates the veteran population in Yadkin County alone is over 3,000, the five county total (of Yadkin, Surry, Stokes and Rockingham in NC and Patrick County in Virginia) number approximately 24,000 and those in the fifth Congressional District of North Carolina number in excess of 55,000; and

WHEREAS, due to the significant number of veterans in our area, the Stokes Health Service Alliance has formed a committee to obtain a Veterans' Health Care Multi-County Community Based Outpatient Clinic, to be located in Stokes County, NC,

NOW, THEREFORE, BE IT RESOLVED, that the Yadkin County Board of Commissioners hereby supports the request that Stokes County be given every consideration as a location for a new Veterans' Health Care Multi-County Community Based Outpatient Clinic.

BE IT FURTHER RESOLVED, that the Yadkin County Board of Commissioners hereby authorizes correspondence and a copy of this Resolution be forwarded to the appropriate officials who would support the location of such a facility in Stokes County.

Motion made by Commissioner Brady Wooten, and seconded by Vice Chairman Tommy Garner, and approved on this being the 16th day of April, 2007.

s/Kim Clark Phillips

At 9:00 p.m. Chair Phillips declared a fifteen minute recess.

MANAGER COMMENTS

County Manager Eric Williams reported to the Board on several issues as follows:

- First Southwest Company—Mr. Williams gave an overview of the company, the reasons he believes the firm would be of benefit to the County and his recommendation that the County contract with First Southwest as financial advisors.

County Attorney James Graham noted that the signing of a contract in itself would not pose any obligation to the County to render payment to First Southwest. He stated that only a request from the County for the performance of services would trigger a payment requirement.

Motion by Commissioner Wagoner to enter into a contract agreement with First Southwest Company for financial advisory services was seconded by Vice Chair Garner.

Vote: 3-1 (Wooten opposed)

- Budget Updates
- The joint meeting with the Yadkinville Town Council

- Agriculture Extension Building Roof—

Soil and Water Department Supervisor Jason Walker presented to the Board an updated construction and repair quote from Titus Construction which would bring the cost of the project in excess of \$103,000.

Mr. Williams expressed his hesitation to spend a sizeable amount of money on the building given the concern that the building is not truly suitable for the Agriculture Extension Office. He went on to refer to the previous discussion involving the group home located on Old Stage Road, which is smaller than the current building, but has a larger lot and may be added onto.

Commissioner Wooten expressed his support of providing a new facility to the Agriculture Extension, but was concerned with further damage to the existing building due to water leakage.

Commissioner Wagoner suggested the repairs be made now and be done correctly to avoid further damage.

Chair Phillips requested more information and that the discussion be deferred until the first meeting in May.

- Lease Agreement for the 5D property—Mr. Williams reported that a Mr. Mark Headen has requested leasing the 5D property for the purposes of cutting hay for the amount of \$140 per year.

Mr. Graham requested that the words "...or liabilities incurred by tenant or..." be added to the first line of the last paragraph on the first page of the agreement.

Motion by Commissioner Wooten to accept the lease agreement with the corrections requested by Mr. Graham was seconded by Commissioner Wagoner.

Vote: 4-0

- Utility Project Easement Acquisitions—Mr. Williams noted the scheduled preconstruction meeting with the project engineers and contractors on April 26th.

Motion by Commissioner Wooten to authorize Mr. Graham to secure any additional resources he deemed necessary to obtain the remaining outstanding easements was seconded by Commissioner Wagoner.

Vote: 4-0

COMMISSIONER COMMENTS

Vice Chair Garner reported having received complaints of the noise occurring when Republic Waste performs trash pick up in the Center Road/Whitaker Road area at 4:30 a.m.

Commissioner Wooten requested a budget ordinance concerning the new County Jail to avoid reprimand from the County's auditor. He also requested that the issue of air conditioning in the existing jail be addressed in the next meeting's agenda.

Motion by Commissioner Wooten to impose a 1:00 p.m., Thursday deadline for availability of the Regular Meeting agenda was seconded by Commissioner Wagoner.

Vote: 4-0

Motion by Commissioner Wooten to direct Mr. Williams to compose a letter in complaint of misquotes relating to the invocation by the Board of Commissioners recently published in the Winston-Salem Journal died for lack of a second.

Chair Phillips stated that the Journal had been contacted on the issue and had indicated their intention of issuing a correction.

Commissioner Wooten requested that Mr. Williams inquire whether or not recent Federal grants received by the Sheriff's Office could also be obtained by the County as a whole.

Commissioner Wagoner extended his compliments for the packaging of the agenda. He congratulated Mr. Williams on his recent hire as permanent County Manager, and requested a name plate for Mr. Williams.

Chair Phillips referenced a story by LeeAnn Wright which was recently published in a local magazine involving vandalism at Styers Mill. She expressed her concern and requested the matter be checked into.

She further requested a Resolution that fire hydrants on newly constructed water lines by located no more than 1,000 feet apart be prepared for the May 7th meeting. She also requested that a detailed map of utility projects be located at the County Manager's Office for public view.

She reported that Commissioner Cornelius wishes to recommend the hire of a County Grant Writer and a CPA with municipal or county experience.

Motion by Commissioner Wooten to recess until April 30, 2007 at 6:30 p.m. was seconded by Vice Chair Garner.

Vote: 4-0

Prepared by Interim Clerk to the Board

Approved by Clerk to the Board